FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3968 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. G.S. Godbole for petitioner.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. RCS No. 730 of 1999 was partly decreed by the learned 9th Jt. Civil Judge, J.D. Nashik by judgment and order dated 25/10/01. Being aggrieved by the said decree, the defendant filed Civil Appeal No.543/2001 before the District Court at Nashik. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 18/9/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such

a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)